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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,206	04/24/2000	Dennis M. Patterson	HJK-3737	8236

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EXAMINER
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SMITH, PETER J

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/556,206

Applicant(s)

PATTERSON ET AL.

Examiner

Peter J Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communications: application filed on 04/24/2000.
2. Claims 13 and 15-23 are pending in the case. Claims 13, and 20 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jecha et al. (hereafter referred to as Jecha), US 6,247,011 B1 filed 12/02/1997 in view of Sieber, US 5,649,216 published 07/15/1997 and "Inline Plugins",**  
**[[http://web.archive.org/web/19970501013344/www101.netscape.com/comprod/products/navigator/version\\_2.0/plugins/index.html](http://web.archive.org/web/19970501013344/www101.netscape.com/comprod/products/navigator/version_2.0/plugins/index.html)] published 05/01/1997, Netscape Communications, p. 1-2.**

**Regarding dependent claim 13,** Jecha teaches accessing a web-site server from a local computer in fig. 2, col. 6 lines 21-24, and the abstract. Jecha teaches creating a customized document request utilizing a script installed on the local computer in col. 1 lines 48-58. Jecha teaches selecting a document type and document content in fig. 3, fig. 4a-4m, and col. 2 lines 4-20. Jecha teaches selecting a graphics image in fig. 4f and col. 7 lines 4-17. Sieber also teaches selecting a graphics image in col. 2 lines 49-56. Jecha

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teaches selecting document resolution in col. 7 lines 21-26. Jecha teaches selecting image and text orientation in col. 7 lines 4-37. Jecha teaches communicating a customized document request to a web-server in col. 1 line 59 – col. 2 line 3. Jecha teaches retrieving document layouts in col. 6 lines 21-36. Jecha also teaches sending a customized document fulfilling the customized document request from a local computer to a web-site server, which could also be from a web-site server to a local computer in fig. 2, fig. 3, and col. 1 lines 56-58.

Jecha does not teach a web-site server having a selection of pre-prepared and unalterable document layouts. Jecha does not teach retrieving one or more document layouts from a web-site server and fulfilling a document request using the selected document type and content. Jecha does not teach utilizing a plug-in component installed on a local computer. Sieber does teach a web-site server having a selection of pre-prepared and alterable or unalterable document layouts in fig. 3, col. 1 line 41 – col. 2 line 4, col. 2 line 65 – col. 3 line 26, and col. 5 line 12 – col. 6 line 29. Sieber specifically teaches a database of generic layouts in col. 6 lines 19-29. These generic layouts are pre-prepared and need only to be filled with appropriate graphic and text data to produce a finished layout. The generic layout need not be altered in any form as the locations of the text and graphics are already determined. Sieber also teaches retrieving document layouts from a web-site server and fulfilling a document request using the selected document type and content in fig. 3 and col. 5 lines 12-29. Inline Plug-in teaches utilizing a plug-in component installed on a local computer on page 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sieber and Inline Plug-in into Jecha to create the

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claimed invention. It would have been obvious and desirable to maintain a selection of document layouts made available to the local client computers so that the library of layouts was easily maintained in one location. This way the users accessing the web-site server through the local computers would always have had the most up-to-date layouts at their disposal. It would have been obvious and desirable to use a plug-in so that the programming running in the browser would not have to be downloaded each time the user visited the site to create a document.

**Regarding dependent claim 15**, Jecha teaches adding text to the document in fig. 4i, fig. 4j, and col. 7 lines 18-37.

**Regarding dependent claim 16**, Jecha teaches an authoring program suitable for professional users in fig. 4i, fig. 4j, and col. 2 lines 12-17, which would inherently include selecting a font to be applied to the text of the document.

**Regarding dependent claim 17**, Jecha teaches a server which knows the format to which a document must be translated for printing and it could determine if a printer connected to it is capable of printing the document and if not notifies the user of the printer's incapability in col. 2 lines 11-12 and col. 2 lines 18-20.

**Regarding dependent claim 18**, Jecha teaches electronically transferring the customized document to another computer in fig. 2 and the abstract.

**Regarding dependent claim 19**, Jecha teaches downloading an authoring program from the internet in the abstract. Jecha does not teach a plug-in. Inline Plug-in does teach a plug-in on page 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Inline Plug-in into Jecha to create the claimed invention. It would have been obvious and desirable to use a plug-in

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so that the programming running in the browser would not have to be downloaded each time the user visited the site to create a document.

**Regarding independent claim 20**, Jecha teaches accessing a web-site server from a local computer in fig. 2, col. 6 lines 21-24, and the abstract. Jecha teaches creating a customized document request utilizing a script installed on the local computer in col. 1 lines 48-58. Jecha teaches selecting a document type and document content in fig. 3, fig. 4a-4m, and col. 2 lines 4-20. Jecha teaches selecting a graphics image in fig. 4f and col. 7 lines 4-17. Jecha teaches selecting document resolution in col. 7 lines 21-26. Jecha teaches selecting image and text orientation in col. 7 lines 4-37.

Jecha teaches adding text to the document in fig. 4i, fig. 4j, and col. 7 lines 18-37. Jecha teaches an authoring program suitable for professional users in fig. 4i, fig. 4j, and col. 2 lines 12-17, which would inherently include selecting a font to be applied to the text of the document. Jecha teaches communicating a customized document request to a web-server in col. 1 line 59 – col. 2 line 3. Jecha teaches retrieving document layouts in col. 6 lines 21-36. Jecha also teaches sending a customized document fulfilling the customized document request from a local computer to a web-site server, which could also be from a web-site server to a local computer in fig. 2, fig. 3, and col. 1 lines 56-58.

Jecha does not teach a web-site server having a selection of pre-prepared and unalterable document layouts. Jecha does not teach retrieving one or more document layouts from a web-site server and fulfilling the document request by inserting the requested content into the selected document request. Jecha does not teach utilizing a plug-in component installed on a local computer. Sieber does teach a web-site server having a selection of pre-prepared and alterable or unalterable document layouts in fig. 3,

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col. 1 line 41 – col. 2 line 4, col. 2 line 65 – col. 3 line 26, and col. 5 line 12 – col. 6 line 29. Sieber specifically teaches a database of generic layouts in col. 6 lines 19-29. These generic layouts are pre-prepared and need only to be filled with appropriate graphic and text data to produce a finished layout. The generic layout need not be altered in any form as the locations of the text and graphics are already determined. Sieber also teaches retrieving document layouts from a web-site server and fulfilling the document request by inserting the requested content into the selected document request in fig. 3 and col. 5 lines 12-29. Inline Plug-in teaches utilizing a plug-in component installed on a local computer on page 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sieber and Inline Plug-in into Jecha to create the claimed invention. It would have been obvious and desirable to maintain a selection of document layouts made available to the local client computers so that the library of layouts was easily maintained in one location. This way the users accessing the web-site server through the local computers would always have had the most up-to-date layouts at their disposal. It would have been obvious and desirable to use a plug-in so that the programming running in the browser would not have to be downloaded each time the user visited the site to create a document.

**Regarding dependent claim 21**, Jecha teaches a server which knows the format to which a document must be translated for printing and it could determine if a printer connected to it is capable of printing the document and if not notifies the user of the printer's incapability in col. 2 lines 11-12 and col. 2 lines 18-20.



**Regarding dependent claim 22**, Jecha teaches electronically transferring the customized document to another computer in fig. 2 and the abstract.

**Regarding dependent claim 23**, Jecha teaches downloading an authoring program from the internet in the abstract. Jecha does not teach a plug-in. Inline Plug-in does teach a plug-in on page 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Inline Plug-in into Jecha to create the claimed invention. It would have been obvious and desirable to use a plug-in so that the programming running in the browser would not have to be downloaded each time the user visited the site to create a document.

#### ***Response to Arguments***

5. Applicant's arguments filed 5/10/2004 have been fully considered but they are not persuasive. Regarding Applicant's arguments in pages 6-8 that it is not proper to create an obvious combination of the teachings of Jecha and Sieber, the Examiner believes it is reasonable and proper to combine the two references. Jecha teaches a computerized prepress authoring system wherein a user may download an authoring program from a server and then generates a document using the program which is then uploaded to the server which creates a prepress form of the document and sends the prepress form to a printer to be printed. The user of the authoring program may select or create graphics components and text components and combine them to create the document.

The Examiner has identified two aspects in which Jecha differs from the claimed invention. First, Jecha does not teach that the authoring program is a plug-in to a web browser stored locally on the user's client computer. The Examiner introduced prior art

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teaching the creation, implementation, and advantages of using plug-in software to enhance a client web browser. Second, Jecha does not provide any means for assisting the user in the creation of the document. The user must decide what graphics and text to use or create and where to place the graphics and text on the layout of the document. The Examiner introduced the prior art of Sieber to teach assisting a user with selecting and creating a graphics and text document layout. Sieber teaches wherein a user may select from a set of generic document layouts which are pre-prepared with the definition of text and graphics layout for the document and also may suggest what graphics or text to place in each container in the layout. For example, in col. 5 lines 30-48, Sieber teaches that an example generic layout may be a business card and that a certain text box on the layout should be the card holder's name, another text box being the card holder's title, a particular graphic element being a corporate logo, and so forth. Thus, the Examiner believes the three prior art references cited in the rejection of claims 13 and 15-23 contain related teachings and render the claimed invention obvious.

Regarding Applicant's argument in page 8 that neither Jecha nor Sieber teach all the limitations of claims 13 and 20, the Examiner believes Sieber teaches in fig. 3, col. 1 line 41 – col. 2 line 4, col. 2 line 65 – col. 3 line 26, and col. 5 line 12 – col. 6 line 29 that an end user selects a layout and then selects the graphics and text to be inserted into the pre-defined template/layout (Sieber calls the pre-defined layout a generic layout). Sieber teaches in col. 6 lines 22-29 allows for a user to be able to alter the generic layout, but this encompasses the teaching of an unalterable layout because the page specification of the generic layout of Sieber merely needs be frozen to prevent the user from altering the layout. Sieber teaches that it is advantageous to allow the user additional freedom to

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further modify the layout so that the document may be individually tailored to the user's document need.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 703-305-5931. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 703-305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOSEPH H. FEILD  
PRIMARY EXAMINER

PJS

August 4, 2004